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FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

AMEMBASSY KIGALI IMMEDIATE

AMEMBASSY KAMPALA IMMEDIATE

INFO AMEMBASSY THE HAGUE IMMEDIATE

USMISSION USUN NEW YORK IMMEDIATE

UN SECURITY COUNCIL COLLECTIVE IMMEDIATE

AMEMBASSY BUJUMBURA IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY NAIROBI IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY KINSHASA IMMEDIATE

AMEMBASSY DAR ES SALAAM IMMEDIATE

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C O N F I D E N T I A L STATE 253116

E.O. 12356: DECL: OADR

TAGS: TZ US, TS, KE, CG, NI, DJ

SUBJECT: USG INTERVIEW TRIP TO RWANDA

REF: A. KIGALI 01537 B. STATE 246554 C. KIGALI 1509

1. CONFIDENTIAL -- ENTIRE TEXT.

SUMMARY AND ACTION REQUEST: CABLE RESPONDS TO INQUIRIES
IN REF C REGARDING DETAILS OF USG TRIP AND ASKS FOR ACTION
ASSISTANCE AND COUNTRY CLEARANCE FROM POSTS. END SUMMARY
AND ACTION REQUEST.

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3. (ALL POSTS) WE APPRECIATE THE POINTS RAISED BY EMBASSY KIGALI IN REF C AND AGREE THAT INVESTIGATIONS BY GOVERNMENTS SHOULD PROCEED DURING THE INTERIM PERIOD BEFORE THE TRIBUNAL IS ESTABLISHED.

4. THE USG'S PLANS TO SEND AN INTER-AGENCY TEAM TO INTERVIEW WITNESSES IN RWANDA IS IN DIRECT RESPONSE TO A REQUEST FROM THE COMMISSION OF EXPERTS FOR ASSISTANCE FROM GOVERNMENTS TO HELP WITH INVESTIGATIONS.

5. WE PLAN TO MEET WITH THE COMMISSION FOR TWO DAYS IN GENEVA BEFORE GOING TO RWANDA AND TO HAVE DETAILED CONVERSATIONS WITH MEMBERS AS TO HOW OUR WORK SHOULD PROCEED.

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6. WE ALSO PLAN TO WORK WITH THE STAFF ASSISTING THE COMMISSION IN KIGALI AND REQUEST MORE INFORMATION FROM US MISSION GENEVA AND EMBASSY KIGALI ABOUT THE MAKE-UP OF THE STAFF, THE NATURE OF ITS WORK AND ITS RELATIONSHIP TO THE COMMISSION. WE DO NOT PLAN TO WORK WITH THE RWANDAN PROSECUTORIAL STAFF ON NATIONAL PROSECUTIONS.

FYI: WE HOPE TO SEND AN EXPERT IN ADMINISTRATION OF JUSTICE PROGRAMS TO KIGALI SOON TO BEGIN CONDUCTING A SURVEY OF NEEDS FOR DEVELOPING A NATIONAL SYSTEM OF JUSTICE, CONSISTENT WITH INTERNATIONAL STANDARDS. WHEN SUCH PERSONNEL CAN BE MADE AVAILABLE, WE WILL NOTIFY POSTS AND SEEK PRIOR CONSULTATION WITH APPROPRIATE UN OFFICIALS IN GENEVA AND ARRANGEMENTS FOR MEETINGS IN RWANDA WITH RELEVANT OFFICIALS, HUMAN RIGHTS LEADERS, JUDGES AND MAGISTRATES. WE WILL PLAN TO DO SOME PRELIMINARY WORK WHILE IN KIGALI. END FYI.

7. WE AGREE WITH POST'S COMMENT IN REF C THAT AN INTERNATIONAL TEAM OF INVESTIGATORS WOULD BE USEFUL AND WOULD SUPPORT CONTRIBUTIONS OF INVESTIGATORS AND FORENSIC EXPERTS BY OTHER GOVERNMENTS. HOWEVER, WE DO NOT BELIEVE IT WOULD BE PRUDENT TO WAIT UNTIL WE COULD BUILD AN INTERNATIONAL TEAM BECAUSE OF THE DELAYS THAT WOULD INVARIABLY RESULT IN SENDING HELP TO THE COMMISSION. CONTRIBUTIONS BY OTHER GOVERNMENTS TO THE YUGOSLAV TRIBUNAL HAVE BEEN MINIMAL AND WE EXPECT THAT WE WOULD HAVE GREAT DIFFICULTY ARRANGING TIMELY CONTRIBUTIONS OF PERSONNEL FROM OTHER GOVERNMENTS FOR THE RWANDA EFFORT.

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8. POSTS SHOULD ALSO KEEP IN MIND THAT WHILE WE INTEND TO
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ACTIVELY SUPPORT THE COMMISSION'S WORK, OUR PLAN IS TO
MOVE QUICKLY TO ESTABLISH A TRIBUNAL ONCE THE COMMISSION
OF EXPERTS ISSUES ITS INTERIM REPORT THIS MONTH. ONCE A
CHIEF PROSECUTOR IS SELECTED, WE BELIEVE THAT ALL
SUBSEQUENT INVESTIGATIONS SHOULD BE UNDER THE AUSPICES OF
THE CHIEF PROSECUTOR. ALTHOUGH THE COMMISSION COULD
CONTINUE TO PLAY A ROLE, AND INVESTIGATORS CURRENTLY
WORKING COULD BE RE-DIRECTED TO THE TRIBUNAL, WE BELIEVE
THAT IT WOULD BE DISADVANTAGEOUS TO HAVE TWO PARALLEL
INVESTIGATIONS TAKING PLACE ONCE A CHIEF PROSECUTOR IS IN
PLACE. JUSTICE GOLDSTONE SHARES THIS VIEW. OUR HOPE IS
THAT THE WORK OF THE COMMISSION CAN BE FOLDED QUICKLY INTO
THE TRIBUNAL.

9. GIVEN THIS PERSPECTIVE, WE HAVE QUESTIONS ABOUT THE
BREADTH OF THE SCOPE OF WORK OUTLINED BY THE HIGH
COMMISSIONER LASSO FOR THE HUMAN RIGHTS MONITORS AND THE
COMMISSION OF EXPERTS. WE INTEND TO DISCUSS THE REPORT AT
OUR IWG ON MONDAY AND MAY WISH TO DISCUSS THE REPORT WITH
HIGH COMMISSIONER AYALA LASSO AND THE COMMISSION OF
EXPERTS IN THE NEAR FUTURE.

10. WITH RESPECT TO THE COMMISSION'S REQUEST FOR FORENSIC
ASSISTANCE, WE HAVE HAD DISCUSSIONS WITH FORENSIC EXPERTS
AT THE ARMED FORCES INSTITUTE OF PATHOLOGY, THE
SMITHSONIAN AND THE PHYSICIANS FOR HUMAN RIGHTS. WE
BELIEVE THAT ANY SIGNIFICANT EXHUMATIONS SHOULD BE DELAYED
UNTIL THERE IS A CHIEF PROSECUTOR.

11. HOWEVER, OUR PRESENT THINKING IS THAT IT MAY BE
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POSSIBLE TO SEND A SMALL TEAM OF FORENSIC EXPERTS TO
IDENTIFY AND CONDUCT AN INITIAL SURVEY OF KEY MASS GRAVE
SITES, AS REQUESTED BY THE COMMISSION. WE HAVE ASKED
EXPERTS TO DEVELOP PROPOSALS OUTLINING THE WORK THAT COULD
BE ACCOMPLISHED IN A THREE-WEEK PERIOD, THE STAFFING AND
SUPPORT REQUIRED, AND EXPECTED COSTS. THE EXPERTS HAVE
MADE CLEAR, HOWEVER, THAT FRUITFUL FORENSIC WORK REQUIRES
PRIOR IDENTIFICATION OF RELEVANT GRAVE SITES AND PROBATIVE
INFORMATION FROM WITNESSES ABOUT THE INDIVIDUALS WHO MAY
BE BURIED IN PARTICULAR SITES, ETC. THEY THUS BELIEVE IT

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IS IMPORTANT THAT SOME INVESTIGATIVE WORK IS DONE PRIOR TO DEPLOYMENT OF A FORENSIC TEAM.

12. THE COMMISSION HAS INDICATED THAT IT HAS IDENTIFIED THREE GRAVE SITES THAT WARRANT INVESTIGATION. WE PLAN TO DISCUSS SUCH WORK WITH THE COMMISSION IN GENEVA BUT COULD CONSIDER SENDING A FIVE-PERSON TEAM IN MID- TO LATE-OCTOBER TO CONDUCT AN INITIAL SURVEY. JUSTICE GOLDSTONE HAS INDICATED THAT AN INITIAL SURVEY OF SITES WOULD BE HELPFUL. HOWEVER, BEFORE SENDING SUCH A TEAM OR ADDITIONAL INVESTIGATORS TDY, WE WOULD HAVE TO BE COMFORTABLE WITH THE COMMISSION'S SCOPE OF WORK AND AGREE ON ARRANGEMENTS WITH THE UN FOR OUR PERSONNEL.

13. THE TEAM WILL ARRIVE IN GENEVA ON MONDAY, SEPTEMBER 19 AT 11:55 AND WILL DEPART FOR ENTEBBE AT 2030 ON TUESDAY, SEPTEMBER 20. WE REQUEST US MISSION GENEVA TO ARRANGE A MEETING WITH THE COMMISSION ON MONDAY AFTERNOON; THIS WILL PERMIT US TO MEET WITH THEM AGAIN ON TUESDAY. WE COULD ALSO MEET WITH COMMISSIONER LASSO IF POST BELIEVES THAT

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WOULD BE HELPFUL. WE WOULD BE ABLE TO DE-BRIEF THE COMMISSION AT THE CONCLUSION OF THE TRIP IF IT WOULD LIKE; PLEASE ADVISE. AS THE GOR WOULD APPEAR TO FAVOR OFFICIAL UN ENDORSEMENT OF OUR WORK, AS INDICATED IN REF C, MISSION SHOULD ADVISE AS TO WHETHER THE COMMISSION WOULD BE WILLING TO GIVE THE TEAM A LETTER AUTHORIZING ITS WORK OR COMMUNICATE TO THE GOR DIRECTLY OR THROUGH THE STAFF IN KIGALI.

14. THE TEAM IS AWARE OF THE INITIAL DIFFICULTIES OVER HOW GREG STANTON WAS TO BE AFFILIATED WITH THE COMMISSION AND WE ARE PREPARED TO OFFER A LETTER INDICATING THAT WE ARE PLEASED TO MAKE ASSISTANCE AVAILABLE TO THE COMMISSION. WE WOULD PREFER THAT THE TEAM NOT BE SECONDED TO THE COMMISSION AND WANT TO PRESERVE FLEXIBILITY AND SOME INDEPENDENCE SO THAT WE CAN MORE EASILY SHIFT OUR FOCUS TO THE TRIBUNAL ONCE A CHIEF PROSECUTOR HAS BEEN NAMED. IF POST BELIEVES A LETTER TO THE HIGH COMMISSIONER WILL BE IMPORTANT, AS IT WAS FOR STANTON, WE SUGGEST ONE ALONG THE FOLLOWING LINES:

"WE ARE PLEASED TO MAKE A TEAM OF PROSECUTORS, INVESTIGATORS AND INTERNATIONAL LAW AND REGIONAL EXPERTS AVAILABLE TO ASSIST THE COMMISSION OF EXPERTS IN ITS INVESTIGATIONS OF THE SITUATION IN RWANDA. THE TEAM WILL

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CONSIST OF CRYSTAL NIX, AN ATTORNEY AND THE SPECIAL ASSISTANT TO THE LEGAL ADVISER, DEPARTMENT OF STATE; ROBERTO POWERS, AN AFRICA SPECIALIST AND LAWYER WHO IS IN THE BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR IN THE STATE DEPARTMENT; STEVEN MANSFIELD, AN ASSISTANT UNITED STATES ATTORNEY IN LOS ANGELES; MAJ. PATRICK O'HARE, A
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JUDGE ADVOCATE GENERAL IN THE DEFENSE DEPARTMENT, AND DENISE MINER, AN INVESTIGATOR WITH THE FBI. THE TEAM IS AVAILABLE TO ASSIST IN INVESTIGATIONS FROM SEPTEMBER 20, 1994 THROUGH APPROXIMATELY OCTOBER 6, 1994. THE INFORMATION GATHERED BY THE TEAM WILL BE PREPARED IN A REPORT AND SUBMITTED TO THE COMMISSION."

15. WE ARE ALSO PREPARED TO SIGN A SPECIAL SERVICES AGREEMENT IF IT IS A STANDARD UN AGREEMENT AND WOULD NOT IMPAIR OUR ABILITY TO WORK WITH THE CHIEF PROSECUTOR ONCE ONE IS NAMED.

16. THE SECURITY CLEARANCES OF THE TEAM ARE AS FOLLOWS: CRYSTAL NIX (TS); STEVE MANSFIELD (S); MAJ. PATRICK O'HARE (S); ROBERTO POWERS (TS) AND DENISE MINER (SECRET). POST IS ASKED TO MAKE HOTEL RESERVATIONS FOR FIVE FOR MONDAY EVENING.

15. (KAMPALA ONLY) THE TEAM PLANS TO ARRIVE IN ENTEBBE AT 9:45 AM ON WEDNESDAY, SEPTEMBER 21. THE TEAM REQUESTS COUNTRY CLEARANCE AND ASSISTANCE WITH ARRANGING MILITARY LIFT TO KIGALI AS SOON AS POSSIBLE ON WEDNESDAY. POST SHOULD INFORM KIGALI WHEN THE TEAM WILL ARRIVE THERE AS WE WILL BE EN ROUTE.

17. (KIGALI ONLY) THE TEAM PLANS TO ARRIVE IN KIGALI AS EARLY AS POSSIBLE ON SEPTEMBER 21. WE REQUEST COUNTRY CLEARANCE.

18. AS THE TEAM'S TIME IN THE REGION IS LIMITED, WE REQUEST THAT WITNESSES WITH DIRECT KNOWLEDGE OF THE ROLE
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OF THE MAJOR PERPETRATORS BE IDENTIFIED, AS INDICATED IN REF B, SO THAT WE CAN ACCOMPLISH OUR WORK MOST EFFECTIVELY. WE WILL RECEIVE INSTRUCTIONS FROM THE COMMISSION AS TO HOW THE INVESTIGATIONS ARE TO PROCEED AND HOPE THAT THE COMMISSION HAS SPECIFIC WITNESSES FOR US TO

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INTERVIEW. IF IT DOES NOT, WE WOULD BE MOST INTERESTED IN INTERVIEWING PERSONS WITH FIRST-HAND KNOWLEDGE OF THE GOVERNMENTAL LEADERS AND JOURNALISTS AND OTHER OFFICIALS WHO INSTIGATED AND ORCHESTRATED THE GENOCIDE AND THE MEMBERS OF THE MILITARY AND MILITIAS WHO WERE PRINCIPALLY RESPONSIBLE FOR CARRYING OUT THE KILLINGS. WE ARE ALSO INTERESTED IN INVESTIGATING SUMMARY EXECUTIONS AND OTHER ACTS OF REVENGE PERPETRATED IN RESPONSE TO THE CAMPAIGN OF GENOCIDE WHICH BEGAN ON APRIL 6, 1994. POST IS ASKED TO WORK WITH THE KIGALI STAFF AND OTHERS TO LINE UP WITNESSES WITH THE RELEVANT INFORMATION IN CASE THE COMMISSION DOES NOT HAVE SPECIFIC WITNESSES FOR THE TEAM TO INTERVIEW.

19. THE TEAM WILL ALSO NEED TWO FRENCH TRANSLATORS AND AT LEAST THREE KINYA-RWANDA INTERPRETORS (PREFERABLY THEY WOULD BE THE SAME PERSONS), AS WELL AS TRANSPORTATION AND, IF NECESSARY, A MILITARY ESCORT; THE FUND CITE IS GIVEN IN REF B. WE WILL ALSO NEED ACCOMODATIONS FOR NIX, O'HARE, MINER, POWERS AND MANSFIELD. IT HAS BEEN SUGGESTED THAT JEANNE D'ARC IN THE EMBASSY WOULD BE AN APPROPRIATE TRANSLATOR; PLEASE ADVISE IF THAT IS THE CASE AND IF SHE WOULD BE AVAILABLE TO ASSIST US.

20. WE APPRECIATE THE ASSISTANCE FROM POSTS IN THIS EFFORT. WE BELIEVE THE WORK OF THE USG WILL BE EXTREMELY USEFUL IN MOVING THE WORK OF THE COMMISSION AND THE

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TRIBUNAL FORWARD. THE USG CONDUCTED SIMILAR INVESTIGATIONS FOR THE YUGOSLAV TRIBUNAL AND THE WORK OBTAINED WAS QUITE HELPFUL IN EXPEDITING THE WORK OF THE

TRIBUNAL.

21. PLEASE SLUG REPLIES FOR L - CRYSTAL NIX, L/UNA - EVAN BLOOM AND USUN/W - DAVID SCHEFFER.

MINIMIZE CONSIDERED CHRISTOPHER

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